

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

NEW JERSEY DEPARTMENT OF
ENVIRONMENTAL PROTECTION, et al.

Plaintiffs,

v.

E.I. DU PONT DE NEMOURS AND
COMPANY, et al.

Defendants.

Civil Action No.

1:19-cv-14766-RMB-JBC

3:19-cv-14767-ZNQ-JBC

2:19-cv-14758-JMV-JBC

1:19-cv-14765-NLH-JBC

ORDER

John Michael Vazquez, U.S.D.J.

Having heard from counsel to the parties during a telephonic conference held on December 9, 2021, to address the scope of jurisdictional discovery in accordance with the Court's December 8, 2021 Orders, D.E. 179 and 180, and good cause having been shown,

IT IS on this 16th day of December, 2021:

ORDERED that Defendants Corteva, Inc. ("Corteva") and DuPont de Nemours, Inc. ("DuPont") shall produce by January 17, 2022:

- (i) the complete Separation and Distribution Agreement by and among Corteva, Inc., Dow Inc. and DowDuPont Inc., dated as of April 1, 2019 (the "DowDuPont Separation Agreement"), including all schedules, exhibits, and amendments thereto;
- (ii) the complete Letter Agreement between Corteva and DowDuPont Inc., dated as of June 1, 2019, including all schedules, exhibits, and amendments thereto; and

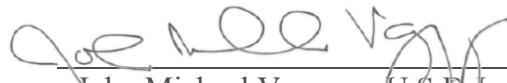
(iii) the transcripts of the Rule 30(b)(6) depositions of

- a. Corteva's corporate designee Brian Titus, taken on August 17, 2020; and
- b. DuPont's corporate designee Carmen Giannantonio, taken on June 23, 2020 and September 2, 2020

in the matter styled *In re: Aqueous Film-Forming Foams (AFFF) Products Liability Litigation*, MDL No. 2:18-mn-2871-RMG (D.S.C.), together with all exhibits thereto; and it is further

ORDERED that Plaintiffs may serve, on or before December 17, 2021, no more than 5 interrogatories and 10 requests for production of documents (the "Jurisdictional Discovery Requests") related to Plaintiffs' allegation that Corteva and DuPont participated in the fraudulent transfer of the assets of E. I. du DuPont de Nemours and Company ("Old DuPont") to hinder, delay, or defraud creditors in the State of New Jersey, including with respect to Corteva's and DuPont's knowledge, prior to June 1, 2019, of the nature, extent, scope and amount of Old DuPont's liabilities in the State of New Jersey; and it is further

ORDERED that Plaintiffs' request for Rule 30(b)(6) depositions of Corteva and DuPont is **DENIED WITHOUT PREJUDICE** until after Corteva and DuPont respond to Plaintiffs' Jurisdictional Discovery, at which point Plaintiffs may renew their request, and Corteva and DuPont may be heard upon the same.


John Michael Vazquez, U.S.D.J.